



Entered on Docket
June 18, 2010

A handwritten signature in dark ink, appearing to read "Linda B. Riegler".

Hon. Linda B. Riegler
United States Bankruptcy Judge

LEWIS AND ROCA LLP

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Attorneys for USACM Liquidating Trust

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA**

In re:

USA COMMERCIAL MORTGAGE
COMPANY,

Case No. BK-S-06-10725-LBR

CHAPTER 11

Jointly Administered Under
Case No. BK-S-06-10725 LBR

**Order Sustaining Fourth Omnibus
Objection Of USACM Liquidating
Trust To Proofs Of Claim Based In
Part Upon Investment In The
Gramercy Court Loan**

Hearing Date: June 15, 2010
Hearing Time: 9:30 a.m.

The Court having considered the "Fourth Omnibus Objection Of USACM Trust To Proofs Of Claim Based In Part Upon Investment In The Gramercy Court Loan" [DE 8056] (the "Objection"); the Court having heard the Objection on June 15, 2010; appropriate notice of the Objection having been given; no response to the Objection having been filed; and good cause appearing:

1 **IT IS ORDERED** that:

2 1. The Objection [DE 8056] is sustained;

3 2. The claims listed on **Exhibit A** attached are disallowed to the extent those
4 claims are based upon an investment in the Gramercy Court Loan for the reasons set forth
5 in the objection.

6 3. The claims listed on **Exhibit A** are not affected by this order to the extent
7 they are based upon an investment in another loan.

8 PREPARED AND RESPECTFULLY SUBMITTED BY:

9 **LEWIS AND ROCA LLP**

10
11 By/s/ Robert M. Charles, Jr. (# 6593)

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13 John Hinderaker (*pro hac vice*)

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CERTIFICATION OF COUNSEL PURSUANT TO LOCAL RULE 9021

In accordance with Local Rule 9021, the undersigned certifies:

- ☐ The Court waived the requirements of approval under LR 9021.
- ☐ This is a chapter 7 or 13 case, and either with the motion, or at the hearing, I have delivered a copy of this proposed order to all counsel who appeared at the hearing, any unrepresented parties who appeared at the hearing, and each has approved or disapproved the order, or failed to respond, as indicated below [list each party and whether the party has approved, disapproved, or failed to respond to the document.]
- ☒ This is a chapter 11 case, and I have delivered a copy of this proposed order to all counsel who appeared at the hearing, any unrepresented parties who appeared at the hearing, and each has approved or disapproved the order, or failed to respond, as indicated below.
- ☐ I certify that I have served a copy of this order with the motion, and no parties appeared or filed written objections.

U.S. Trustee:	
<input type="checkbox"/> approved the form of this order	<input type="checkbox"/> disapproved the form of this order
<input checked="" type="checkbox"/> waived the right to review the order and/or	<input type="checkbox"/> failed to respond to the document
Other Party:	
<input type="checkbox"/> approved the form of this order	<input type="checkbox"/> disapproved the form of this order
<input type="checkbox"/> waived the right to review the order and/or	<input type="checkbox"/> failed to respond to the document

Submitted by:
LEWIS AND ROCA LLP

By: /s/ Robert M. Charles, Jr.
Attorneys for USACM Liquidating Trust

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Exhibit A

Claim	Name	Address	Total Claim Amount	Approximate Amount Subject to Objection Because it Relates to an Investment in the Gramercy Court Condos Loan
10725-01915	Hausler Jr Living Trust Dtd 1/3/92, Edwin L	C/O Edwin L Hausler Ttee 4617 Constitution Ave Ne Albuquerque, NM 87110	486,748.60	50,000.00
10725-02292	Helms Homes LLC	Terry Helms 809 Upland Blvd Las Vegas, NV 89107-3719	12,697,934.44	100,000.00
10725-01573	Hodes, Gail Living Trust Dtd 9/10/03	C/O Gail R Hodes Trustee 410 Upper Lake Road Lake Sherwood, CA 91361 Gail Hodes Living Trust dated 9/10/03 c/o Gail R. Hodes Trustee 16872 Baruna Ln Huntington Beach, Ca 92649	129,522.00	50,000.00
10725-01257	Houghton Dental Corp Psp	Fbo Geraldine Houghton 2871 Pinta Perris, CA 92571	400,000.00	100,000.00
10725-02122	Huffman Family Trust Dated 5/28/98	Hilary A & Cynthia L Huffman Ttees 140 Gazelle Rd Reno, NV 89511	202,832.46	50,000.00
10725-02034	Jean H Murray Separate Property TrDt d 9/12/02	C/O Jean H Murray Trustee 865 Coloma Dr Carson City, NV 89705-7204	200,016.26	50,000.00
10725-01183	Karen Petersen Tyndall Trust Dtd 3/9/94	C/O Karen Petersen Tyndall Ttee 1012 Greystoke Acres St Las Vegas, NV 89145-8659	1,115,915.59	228,225.00
10725-01997	Km Trust	C/O Aimee E Kearns Trustee 5886 N Bonita Vista St Las Vegas, NV 89149-3911	1,535,080.92	122,000.00
10725-00796	Kpt Irrevocable Trust Dtd 7/16/99	C/O Karen Petersen Tyndall Ttee 1012 Greystoke Acres St Las Vegas, NV 89145-8659	202,866.38	101,433.19
10725-01194	KPT Irrevocable Trust Dtd 7/16/99	C/O Karen Petersen Tyndall Ttee 1012 Greystoke Acres St Las Vegas, NV 89145-8659	202,866.38	101,433.19